

**DOCKET NO. D-2012-011 CP-1**

**DELAWARE RIVER BASIN COMMISSION**

**City of Lewes Board of Public Works  
Wastewater Treatment Plant  
City of Lewes, Sussex County, Delaware**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by the City of Lewes Board of Public Works on March 9, 2012 (Application), for review of an existing wastewater treatment plant (WWTP) discharge. National Pollutant Discharge Elimination System (NPDES) Permit No. DE0021512 for this project was approved by the Delaware Department of Natural Resources and Environmental Control (DNREC) on December 12, 2011, effective January 1, 2012.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Sussex County Planning Department has been notified of pending action. A public hearing on this project was held by the DRBC on December 5, 2012.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this docket is to approve the existing 1.5 million gallons per day (mgd) Lewes WWTP and its related discharge.
2. **Location.** The WWTP will continue to discharge treated effluent to the Lewes Rehoboth Canal, a tidal tributary of Water Quality Zone 6 of the Delaware River, at River Mile 0.82 – 2.0 (Delaware River – Lewes Rehoboth Canal) via Outfall No. 001, in the City of Lewes, Sussex County, Delaware as follows:

<b>OUTFALL NO.</b>	<b>LATITUDE (N)</b>	<b>LONGITUDE (W)</b>
001	38° 46' 37.75"	75° 07' 53.89"

3. **Area Served.** The docket holder's WWTP will continue to service areas of Sussex County in and around the City of Lewes as defined in the Application. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket

holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

#### 4. Physical Features.

a. Design Criteria. The docket holder operates the existing 1.5 mgd Lewes WWTP.

b. Facilities. The existing WWTP consists of a band screen, grit removal chamber, a flow equalization tank, a splitter box, two (2) membrane bioreactors (MBR), an emergency storage tank, an aerobic digester, sludge drying beds, and an ultraviolet (UV) disinfection channel.

The project facilities are located in the flood fringe portion of the 100-year floodplain. Since the facility is located in the tidal portion of the basin, the Commission's *Flood Plain Regulations (FPR)* are not applicable.

Wasted sludge will continue to be hauled off-site by a licensed hauler for disposal at a (State-approved) facility.

c. Water withdrawals. The potable water supply in the project service area is provided by the docket holder. The Commission issued Docket No. D-85-54 CP RENEWAL for the docket holder's withdrawal on September 27, 1995. The docket holder need not apply to the Commission when the water withdrawal docket expires. In accordance with the DRBC/DNREC Administrative Agreement signed on July 28, 2010, the DRBC water withdrawal docket is classified as a Category F project and the DNREC's final action will constitute a decision by the Commission as to all matters covered by DNREC's final action and by the Commission under Section 3.8, 10.3 and/or 11.2 of the Compact as to those requirements applicable to Commission review.

d. NPDES Permit / DRBC Docket. NPDES Permit No. DE0021512 was approved by the DNREC on December 12, 2011 (effective January 1, 2012) and includes final effluent limitations for the project discharge of 1.5 mgd to surface waters classified by the DNREC as a tidal salt water body. The following average monthly effluent limits are among those listed in the NPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit**

OUTFALL 001 (WWTP)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	15 mg/l (85% minimum removal*)	As required by NPDES Permit
BOD (5-Day at 20° C)	15 mg/l (85% minimum removal*)	As required by NPDES Permit

\* DRBC Requirement

**EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit**

<b>OUTFALL 001 (WWTP)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
Total Dissolved Solids*	Monitor & Report *	Quarterly **
Ammonia Nitrogen*	Monitor & Report *	Monthly *
Fecal Coliform*	Monitor & Report *	Monthly *

\* DRBC Requirement

\*\* See DECISION Condition II.p.

*DNREC has required Dissolved Oxygen monitoring as well as Total Phosphorous and Total Nitrogen effluent limits for the Lewes WWTP discharge for compliance with the Inland Bays TMDL. DRBC does not require that these parameters be monitored or effluent limits be provided outside of Special Protection Waters.*

**e. Cost.** There are no construction costs associated with this existing WWTP discharge.

**f. Relationship to the Comprehensive Plan.** Issuance of this docket will include the 1.5 mgd Lewes WWTP in the Comprehensive Plan (See DECISION Condition I.).

## **B. FINDINGS**

The purpose of this docket is to approve the existing 1.5 mgd Lewes WWTP and its related discharge.

At the project site, the Lewes Rehoboth Canal is tidal and no Q<sub>7-10</sub> flow value has been calculated.

There are no surface water intakes of record for public water supply within a 5 mile influence of the project discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

**C. DECISION**

I. Effective on the approval date for Docket No. D-2012-011 CP-1 below, the project and the appurtenant facilities described in Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in Section A “Physical Features” of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the DNREC in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission’s *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder’s Application to the extent consistent with all other conditions of this DECISION Section.

i. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

j. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

n. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

o. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

p. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

q. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder

wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

**BY THE COMMISSION****DATE APPROVED: December 5, 2012****EXPIRATION DATE: December 31, 2016**